

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARLE STEINBERG,

Case No. 09-11836

Plaintiff,

HONORABLE SEAN F. COX
United States District Judge

v.

CHARLES YOUNG, JR. et al.,

Defendants.

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OPINION & ORDER DENYING PLAINTIFF'S MOTION
TO HOLD DEFENDANTS IN CONTEMPT [Doc. No. 28]

On June 10, 2009, Plaintiff Earle Steinberg ("Steinberg") filed a "Motion to Hold Defendants Charles Young, Jr., OU Home, Inc., OU Village, Inc., Operation Unification, Inc. in Civil Contempt for Violation of Temporary Restraining Order and For Sanctions" [Doc. No. 28]. In that Motion, Steinberg alleges that the Defendants violated the Court's temporary restraining order ("TRO") by transferring funds while an asset freeze was in effect. [Doc. No. 28, p.4, ¶12].

The Court issued the TRO pending a hearing on Steinberg's Motion for Preliminary Injunction [Doc. No. 11] and Motion for Appointment of Receiver [Doc. No. 12]. Oral argument was heard by the Court on both of these motions on June 24, 2009, and the Court issued a written opinion denying both motions on June 30, 2009 [Doc. No. 35].

Defendants argue that the transfers from the bank account ending in -2885 were internal transfers done to make payroll for employees. [Def.'s Br., Doc. No. 30, ¶5]. Defendant further argues that the other transfers complained of by Steinberg were drawn in order to run the business of Young's companies as envisioned by the TRO. *Id.* at ¶6.

After considering the briefs of both parties, the Court declines to hold oral argument on this motion pursuant to Local Rule 7.1(e)(2).

To justify holding a litigant in civil contempt, the moving party must demonstrate by clear and convincing evidence that the non-moving party “violated a definite and specific order of the court. . . .” *Elec. Workers Pension Trust Fund of Local Union #58 v. Gary’s Elec. Serv. Co.*, 340 F.3d 373, 378 (6th Cir. 2003). In the instant case, Steinberg has not convinced the Court by clear and convincing evidence that the defendants violated the TRO. Further, the Court has already denied Steinberg’s motion for preliminary injunction, in effect holding that the TRO should not have been issued in the first place. The Court therefore **DENIES** Steinberg’s Motion for Contempt [Doc. No. 28].

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 4, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager